**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO.452 OF 2004**
**IN**
**EXECUTION APPLICATION NO.495 OF 2003**
**IN**
**SUMMONS FOR JUDGMENT NO.709 OF 2001**
**IN**
**SUMMARY SUIT NO.1290 OF 2001**

Moti M. Gehi ..Plaintiff.

Vs.

M/s.G.T.Builders &
Developers & Anr. ..Defendants.

And

Union of India ..Third Party
Applicants.

Ms.K.C.Nichani, Advocate for the Plaintiff.

Mr.S.R.Rajguru with Mr.R.C.Master, Advocate for the Applicant Union.

**CORAM: S.J. VAZIFDAR, J.**
**DATED: 18TH OCTOBER, 2004**

**P.C. :**

The Chamber Summons is taken up for final hearing.

2. The Applicant claims a priority to the sale proceeds that may be recovered in execution of the properties in the above execution application.

3. Ms.Nichani, the learned counsel appearing on behalf of the Plaintiff makes a statement that the Plaintiff has no objection to the entire claim of the Applicant being satisfied from and out of the sale proceeds pursuant to the sale of the properties which are the subject matter of the above execution application.

4. In the circumstances, the following order is passed :

i) The execution proceedings inter-alia in respect of the property which is the subject matter of the present Chamber Summons No.452 of 2004 shall continue.

ii) From and out of the sale proceeds, if any, pursuant to the sale of the property referred to in the above Chamber Summons, the claim of the Union of India as stated in the Chamber Summons shall be satisfied in the first instance.

Chamber Summons is accordingly disposed of.

Parties to act on an ordinary copy of this order

duly authenticated by the Associate/Court Stenographer.